

May 21, 1975

SENATOR KOCH: No, please do.

SENATOR DUIS: I think the Legislature, as a whole, should understand something and understand it very thoroughly at this time. If you owned an automobile, Senator Koch, which was in exactly good, perfect working condition, but you had no knowledge of any defect in that automobile. I said, "Senator Koch, may I borrow your car to go down to see somebody down the street". You said, "Certainly". This is consent, either implied or not implied. On the way down the street I pick up Senator Mills. He is not a fare-paying passenger. I go through that red light. I see it there and I hit something and I injure Senator Mills. Under the present guest statute he cannot sue me unless he can prove gross negligence, like if I did it on purpose practically. Guess what? If his bill passes, guess who gets sued first? You, Senator Koch, because it's your car; not me because I drove it. I'm in the suit too, but we both get sued. Now if you want a lessen in no fault insurance I'll give you one. They don't even begin to know what they're doing because it's the individual who drives that car, who should be the insured. If it comes to that point where we start insuring the person whose operating the vehicle, then Senator Mills has a point and so does no fault insurance. But until that day we've got a real problem because the owner of the car, who may not even be operating it, is the principle person of liability. I wanted to explain that to you. Now I'm going to tell you, insurance does not need to be made available to do what Senator Mills wants to do because you've got it now. All ... the reason it will increase your rate is because you will have one more avenue of claim against the policy. Does that explain the question?

SENATOR KOCH: Yes it does. I appreciate that. One final question that possibly Senator Mills misinterpreted. My point is that if, as an owner of a vehicle I can be completely insured against what I think could be a catastrophe in terms of those riding with me in an accident? Is that correct?

SENATOR DUIS: Senator Koch, any insurance agent who tries to take good care of his clients who may have an income or a dependency of liability that exceeds the amount of his policy, tries to sell him what we call an umbrella policy for a million dollars or something like that to cover what is necessary. This insurance is not too terribly expensive because it picks up where the other leaves off.

SENATOR KOCH: That's the question ... that's the answer I was searching for. Thank you.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: I think there's a little confusion here Mr. President. Senator Koch, would you yield to a question. Senator Koch.